

# EXHIBIT “A”

**McBREEN & KOPKO**

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**Attorney for Plaintiffs,**  
**Timothy Mitchell and Anissa**  
**Mitchell**

TIMOTHY MITCHELL and ANISSA  
MITCHELL (h/w)  
113 Andrea Road  
Cheltenham, PA 19012

Plaintiffs

v.

STARBUCKS  
6024 Ridge Avenue  
Philadelphia, PA 19128

and

STARBUCKS CORPORATION, a.k.a.  
STARBUCKS COFFEE COMPANY  
2401 Utah Avenue S., Suite 800  
Seattle, WA 98134

Defendants

COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY

JANUARY TERM, 2022

NO.: 001321

**CIVIL ACTION COMPLAINT - NOTICE**

**NOTICE**

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.

LAWYER REFERENCE SERVICE  
One Parkway, 1515 Arch Street, 15<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19102-1595  
215-683-5000

**AVISO**

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta asentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objections a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decidir a favor del demandante y requirere que usted cumpla con Todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

LLEVE ESTA DEMANDA A UN ABOGADO INMEDIATAMENTE. SI NO TIENE ABOGADO O SI NO TIENE EL DINERO SUFICIENTE DE PAGAR TAL SERVICIO, VAYA EN PERSONA O LLAME POR A LA OFICINA CUYA DIRECCION SE ENCUENTRA ESCRITA ABAJO PARA AVERIGUAR DONDE SE PUEDE CONSEGUIR ASISTENCIA LEGAL.

SERVICIO DE REFERENCIA LEGAL  
One Parkway, 1515 Arch Street, 15<sup>th</sup> Floor  
Philadelphia, Pennsylvania 19102-1595  
215-683-5000

**COMPLAINT – CIVIL ACTION**  
**NEGLIGENCE**

Plaintiffs, Timothy and Anissa Mitchell as husband and wife, by and through their undersigned counsel, hereby bring this Complaint against defendants, Starbucks and Starbucks Corporation a/k/a Starbucks Coffee Company:

1. Plaintiff, Timothy Mitchell, is an adult individual and citizen of the Commonwealth of Pennsylvania who, at all times material hereto, resides at 113 Andrea Road, Cheltenham, PA 19012.

2. Plaintiff, Anissa Mitchell, is an adult individual and citizen of the Commonwealth of Pennsylvania who, at all times material hereto, resides at 113 Andrea Road, Cheltenham, PA 19012.

3. Plaintiffs, Timothy and Anissa Mitchell, are husband and wife.

4. Defendant, Starbucks, is a corporation, or other business entity, organized and existing pursuant to the laws of the Commonwealth of Pennsylvania doing business at 6024 Ridge Avenue, Philadelphia, PA 19128.

5. Defendant, Starbucks Corporation, is a corporation organized and existing under the laws of Washington with an address of 2401 Utah Avenue, S., Suite 800, Seattle, WA 98134.

6. At all times material hereto, defendants owned, operated, managed, controlled, leased and/or maintained a "Starbucks" at 6024 Ridge Avenue in Philadelphia, PA 19128. (Hereinafter "Starbucks")

7. On January 30, 2020, Timothy Mitchell was a business invitee at the Starbucks located on Ridge Avenue.

8. While inside Starbucks after purchasing coffee, Mr. Mitchell was violently attacked by a third person who was not a customer of Starbucks.

9. As a result of the assault, Timothy Mitchell was rushed to the Roxborough Memorial Hospital.

10. As a result of the assault on defendant's premises, Timothy Mitchell was caused to sustain severe physical injuries resulting in emotional pain and suffering.

11. Timothy Mitchell's injuries included, but were not limited to, multiple fractures of the left zygomatic maxillary complex consistent with a tripod fracture, a fracture of the left nasal bone, along with related injuries to his bones, joints, tendons, ligaments, muscles and soft tissues and aggravation of pre-existing conditions, with some of said injuries being permanent in nature.

12. As a result of the injuries sustained the assault, Timothy Mitchell was required to undergo a left ORIF zygomatic fracture repair surgery.

13. As a direct and proximate result of the injuries sustained in the assault, Timothy Mitchell has suffered embarrassment and humiliation and sustained a loss of life's pleasures for which he is entitled to compensation.

14. The injuries sustained by Timothy Mitchell in the assault are permanent.

**COUNT I**  
**Timothy Mitchell v. Starbucks**

15. Plaintiffs incorporate the preceding paragraphs by reference as if fully set forth at length herein.

16. The assault referenced above and the injuries sustained by Timothy Mitchell resulting therefrom were caused by the negligence, carelessness and recklessness of the defendant, Starbucks.

17. On January 30, 2020, Timothy Mitchell was a lawful business invitee at the Starbucks retail business controlled, owned, leased, managed and operated by Starbucks located at 6024 Ridge Avenue in Philadelphia, PA 19128 where he had purchased a coffee and was seated at a table provided for customers of Starbucks.

18. While he was a business invitee at Starbucks, plaintiff was suddenly physically attacked and assaulted causing him to suffer the serious and permanent injuries described more fully herein.

19. On and before January 30, 2020, Starbucks had actual or constructive notice of prior acts committed by third persons on and about their premises that might cause injuries to patrons of Starbucks.

20. On and before January 30, 2020, Starbucks knew or had reason to know that acts of third persons were occurring, or would occur, in and about its premises that were likely to endanger the safety of business visitors such as Timothy Mitchell.

21. On and before January 30, 2020, Starbucks should have reasonably anticipated criminal conduct on the part of third persons that would pose a risk of harm to its business invitees such as Timothy Mitchell.

22. Starbucks had received complaints from customers prior to January 30, 2020 advising Starbucks that customers did not feel safe inside the Starbucks location due to the presence of third persons that posed a risk of harm to Starbucks' customers inside its store.

23. Based upon information and belief, prior to January 30, 2020 another customer was violently assaulted inside Starbucks.

24. On January 30, 2020, Starbucks had a duty to business invitees to take precautions against the reasonably foreseeable violent conduct of third parties to protect its business invitees, including Timothy Mitchell.

25. Defendant, Starbucks, had a duty to provide a reasonably sufficient number of employees at its store to afford reasonable protection for customers such as Timothy Mitchell visiting the store on January 30, 2020.

26. The injuries sustained by Timothy Mitchell described herein and the violent assault upon him were caused by the negligence of Starbucks in:

(a) failing to respond to prior complaints that its premises was the location of conduct on the part of third persons likely to endanger the safety of Timothy Mitchell;

(b) failing to exercise a reasonable degree of care in the operation of its premises;

(c) failing to provide a reasonably sufficient number of employees to provide reasonable protection to Timothy Mitchell;

(d) failing to reasonably anticipate criminal conduct on the part of third persons occurring at its business that posed a risk of harm to business invitees such as Timothy Mitchell;

(e) failing to provide adequate warning to business visitors such as Timothy Mitchell to avoid or protect themselves against harm presented by third persons on or about the premises;

(f) in such other ways as may be ascertained during discovery in this matter.

27. As a direct and proximate result of the negligence of Starbucks, Timothy Mitchell suffered severe physical pain, mental anguish, humiliation, embarrassment, loss of life's pleasures and physical disfigurement all of which may continue into the future for an indefinite time.

28. As a direct and proximate result of Defendant's, Starbucks, negligence, Timothy Mitchell incurred medical expenses for treatment required as a result of his assault for which he is entitled to recovery.

WHEREFORE, Timothy Mitchell demands judgment in his favor and against defendant, Starbucks, in an amount in excess of \$50,000 together with costs, prejudgment interest and such other and further relief as this Court deems just.

**COUNT II**

**Timothy Mitchell v. Starbucks Corporation a/k/a Starbucks Coffee Company**

29. Plaintiffs incorporate the preceding paragraphs by reference as if fully set forth at length herein.

30. The assault referenced above and the injuries sustained by Timothy Mitchell resulting therefrom were caused by the negligence, carelessness and recklessness of the defendant, Starbucks Corporation a/k/a Starbucks Coffee Company.

31. On January 30, 2020, Timothy Mitchell was a lawful business invitee at the Starbucks Corporation a/k/a Starbucks Coffee Company retail business controlled, owned, leased, managed and operated by Starbucks Corporation a/k/a Starbucks Coffee Company located at 6024 Ridge Avenue in Philadelphia, PA 19128 where he had purchased a coffee and was seated at a table provided to customers of Starbucks.

32. While he was a business invitee at Starbucks Corporation a/k/a Starbucks Coffee Company, plaintiff was suddenly physically attacked and assaulted causing him to suffer the serious and permanent injuries described more fully herein.

33. On and before January 30, 2020, Starbucks Corporation a/k/a Starbucks Coffee Company had actual or constructive notice of prior acts committed by third persons on and about their premises that might cause injuries to patrons of Starbucks Corporation a/k/a Starbucks Coffee Company.

34. On and before January 30, 2020, Starbucks Corporation a/k/a Starbucks Coffee Company knew or had reason to know that acts of third persons were occurring, or would occur, in and about its premises that were likely to endanger the safety of business visitors such as Timothy Mitchell.

35. On and before January 30, 2020, Starbucks Corporation a/k/a Starbucks Coffee Company should have reasonably anticipated criminal conduct on the part of third persons that would pose a risk of harm to its business invitees such as Timothy Mitchell.

36. Starbucks Corporation a/k/a Starbucks Coffee Company had received complaints from customers prior to January 30, 2020 advising Starbucks Corporation a/k/a Starbucks Coffee Company that customers did not feel safe inside the Starbucks Corporation a/k/a Starbucks Coffee Company location due to the presence of third persons that posed a risk of harm to Starbucks Corporation a/k/a Starbucks Coffee Company customers inside its store.

37. Based upon information and belief, prior to January 30, 2020 another customer was violently assaulted inside Starbucks.



38. On January 30, 2020, Starbucks Corporation a/k/a Starbucks Coffee Company had a duty to business invitees to take precautions against the reasonably foreseeable violent conduct of third parties to protect its business invitees, including Timothy Mitchell.

39. Defendant, Starbucks Corporation a/k/a Starbucks Coffee Company, had a duty to provide a reasonably sufficient number of employees at its store to afford reasonable protection for customers such as Timothy Mitchell visiting the store on January 30, 2020.

40. The injuries sustained by Timothy Mitchell described herein and the violent assault upon him were caused by the negligence of Starbucks Corporation a/k/a Starbucks Coffee Company in:

- (a) failing to respond to prior complaints that its premises was the location of conduct on the part of third persons likely to endanger the safety of Timothy Mitchell;

- (b) failing to exercise a reasonable degree of care in the operation of its premises;

- (c) failing to provide a reasonably sufficient number of employees to provide reasonable protection to Timothy Mitchell;

- (d) failing to reasonably anticipate criminal conduct on the part of third persons occurring at its business that posed a risk of harm to business invitees such as Timothy Mitchell;

(e) failing to provide adequate warning to business visitors such as Timothy Mitchell to avoid or protect themselves against harm presented by third persons on or about the premises;

(f) in such other ways as may be ascertain during discovery in this matter.

41. As a direct and proximate result of the negligence of Starbucks Corporation a/k/a Starbucks Coffee Company, Timothy Mitchell suffered severe physical pain, mental anguish, humiliation, embarrassment, loss of life's pleasures and physical disfigurement all of which may continue into the future for an indefinite time.

42. As a direct and proximate result of defendant's, Starbucks Corporation a/k/a Starbucks Coffee Company, negligence, Timothy Mitchell incurred medical expenses for treatment required as a result of his assault for which he is entitled to recovery.

WHEREFORE, Timothy Mitchell demands judgment in his favor and against defendant, Starbucks Corporation a/k/a Starbucks Coffee Company, in an amount in excess of \$50,000 together with costs, prejudgment interest and such other and further relief as this Court deems just.

**COUNT III**  
**Anissa Mitchell v. Defendants**  
**Loss of Consortium**

43. Plaintiffs incorporate the preceding paragraphs by reference as if fully set forth at length herein.

44. At all times material hereto, Anissa Mitchell was and is married to Timothy Mitchell.

45. As a direct and proximate result of defendants' negligence, the assault caused by said negligence and the injuries sustained by her husband, Timothy Mitchell, plaintiff, Anissa Mitchell, has and may in the future, continue to suffer the loss of Timothy Mitchell's services, companionship, fellowship, society, cooperation, affection and aid in the marital relationship.

WHEREFORE, plaintiffs demand judgment in their favor and against defendants in an amount in excess of \$50,000 together with costs, prejudgment interest and such other and further relief as this Court deems appropriate.

**McBREEN & KOPKO**

By: /s/Christopher J. Boyle  
Christopher J. Boyle, Esquire  
Attorney for Plaintiffs,  
Timothy & Anissa Mitchell

Dated: May 3, 2022

**VERIFICATION**

I, Timothy Mitchell, hereby verify that I am the Plaintiff in this action; I have read the foregoing Civil Action Complaint, and the statements made therein are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Timothy Mitchell

**VERIFICATION**

I, Anissa Mitchell, hereby verify that I am the Plaintiff in this action; I have read the foregoing Civil Action Complaint, and the statements made therein are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.



Anissa Mitchell